

How do I determine if the 2010 ADA Standards for Accessible Design apply to my facility or if my facility is already in compliance?

Review the 2010 ADA Standards for Accessible Design available at:

http://www.ada.gov/2010ADASTandards_index.htm;

Review the U.S. Department of Justice's (USDOJ) technical guidance document related to swimming pools and spas available at: http://www.ada.gov/pools_2010.htm;

Call the USDOJ at 1-800-514-0301; and

Consult with your attorney

Does installing a portable lift require a construction permit?

Yes, because this constitutes an alteration to the pool/spa.

Does Maryland allow the use of portable lifts?

Yes. The owner of the pool/spa should consult the USDOJ to determine if it is appropriate to use a portable lift at their facility for compliance with the 2010 ADA Standards for Accessible Design.

What does "not readily achievable" mean?

See, for example,

<http://www.ada.gov/regs2010/smallbusiness/smallbusprimer2010.htm#readilyachievable>

How often will I be required to submit the ADA affidavit?

Only once. The affidavit statement will be incorporated into the operating permit application for the 2013 season.

If my facility is not required to meet the 2010 ADA Standards for Accessible Design, why must I submit the ADA affidavit?

The ADA affidavit must be submitted to document to the local health department the current status of the pool/spa related to ADA. This information is needed in order for the local health department to issue your operating permit for the pool/spa.

If I check option four (4) on the ADA affidavit what happens?

The local health department will not issue your operating permit.

What is the difference between option two (2) and option four (4)?

For option two (2), the owner completed a self-assessment of the facility and provided access where achievable but there is a portion of the pool/spa facility that cannot be brought into full compliance at this time.

For option four (4), the owner understands that the facility must comply with the 2010 ADA Standards for Accessible Design; however, has chosen not to take any action to bring the facility into compliance at this time.

What will Maryland pool inspectors be looking for at my facility?

Inspectors will verify that the ADA affidavit was submitted and that any alterations to the pool/spa were completed in accordance with Public Swimming Pools and Spas Regulations, COMAR 10.17.01. Inspectors in Anne Arundel, Baltimore, Howard, Montgomery, Prince George's Counties and Baltimore City will also ensure that any alterations to the pool/spa were completed in accordance with their respective local codes.

If I already submitted an ADA questionnaire, do I need to submit the ADA affidavit?

Yes. All owners must submit the ADA affidavit.

If I have multiple pools and/or spas at my facility and these pools/spas are in different compliance categories, how do I complete the ADA affidavit?

All pools/spas falling into the same compliance category can be listed on a single ADA affidavit. For pools/spas falling into different compliance categories you should complete separate ADA affidavits for each group.